

CHAPTER NO. 120

HOUSE BILL NO. 2046

By Representatives McMillan, Davidson

Substituted for: Senate Bill No. 1950

By Senators Crutchfield, Trail and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 43, Chapter 8, Part 3 relative to the aerial application of pesticides

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, 43-8-304, is amended by adding the following language, as new subsections:

(d) Any person applying for a license as a Commercial Aerial Applicator shall have first obtained a Certification in the category of pesticides that they intend to apply, as provided in the "Tennessee Application of Pesticides Act of 1978," Tennessee Code Annotated Title 62, Chapter 21, or provide sufficient evidence of an equivalent certification from a state with which the State of Tennessee has a current and official reciprocal agreement.

(e) Any person applying for a license as a Commercial Aerial Applicator shall take an examination administered by the department of agriculture as directed by the commissioner in order to determine if the applicant has the knowledge and technical qualifications necessary for the issuance of such license.

(f) Aerial Applicators holding a current license under Tennessee law may renew such license without examination, but such renewed license shall be subject to whatever restrictions or limitations as are indicated by the license pursuant to the provisions of T.C.A. 43-8-302(9).

SECTION 2. Tennessee Code Annotated Title 43, Chapter 8, Part 3, is amended by adding the following language as, appropriately designated new sections:

Section 43-8-3____.

The commissioner of agriculture may deny licensing to applicants not meeting the requirements for certification and/or licensing or for violations of the rules or statutes concerning the use, purchase or sale of pesticides. Provided however, any person denied such certification or licensure may contest such decision by requesting a hearing under Title 4, Chapter 5, the Tennessee Administrative Procedures Act.

Section 43-8-3____.

Aerial Applicators shall have in their possession a valid Aerial Applicators License, containing photographic identification, issued by the Tennessee department of agriculture, at all times when they are engaged in the aerial application of pesticides in the State of Tennessee.

Section 43-8-3____.

Aerial Applicators applying pesticides in the State of Tennessee shall notify the sheriff's office in the county in which an application is to be made. Such notification shall be made prior to the pesticide application and no later than the day of the application. The Aerial Applicator shall report the name of the landowner and the location of each intended pesticide application as well as the names(s) of the pesticide (s) to be sprayed.

Section 43-8-3____.

All aircraft licensed under this chapter shall be secured or otherwise rendered inoperable by means of a prop chain lock, gust lock, throttle restriction, or other measures acceptable to the commissioner of agriculture except when the aircraft is in use or under the direct control of an Aerial Applicator licensed under this chapter or under the direct responsibility of an airport operator.

Section 43-8-3____.

(a) Aerial Applicators shall maintain a log record for a period of thirty-six (36) months on each application. Such record shall be made available on demand to the commissioner for his review and copies shall be provided to representatives of the department of agriculture upon request. Aerial Applicators located outside the boundary of the State of Tennessee, shall submit a certified copy of any log record for any or all applications as required by the commissioner within forty-eight (48) hours at a time and location designated by the commissioner.

(b) The log record shall clearly set out the following information relative to each pesticide application:

- (1) The pesticide used and its EPA registration number.
- (2) The crop or plant to which the pesticide was applied.
- (3) The dosage rate of the application.
- (4) The approximate acreage to which the pesticide was applied.
- (5) The location, description, and GPS coordinates of the area to which the pesticide is applied.
- (6) The landowner, producer, or other person employing such Aerial Applicator's services.
- (7) The date of pesticide application.
- (8) The name and Tennessee license number of the Aerial Applicator.
- (9) The decal number of the aircraft used for the application.

(c) Aerial Applicators shall apply all pesticides in a manner that is consistent with the label directions for that product. Aerial Applicators must submit evidence to prove that label directions were followed and all restrictions were fully met when requested to do so by the commissioner.

SECTION 3. Tennessee Code Annotated, 43-8-306, is amended by deleting the words "Class C" and replacing them with the words "Class A."

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 28, 2003


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 12th day of May 2003


PHIL BREDESEN, GOVERNOR